

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Brandon J.C. Elefante, Chair; Esther Kiaʻāina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

ADVANCE COPY

Committee Meeting Held
March 23, 2022

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Resolution 22-32 entitled:

"RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO THE CHINATOWN SPECIAL DISTRICT,"

introduced on February 17, 2022, reports as follows:

The purpose of Resolution 22-32 is to require the Director of the Department of Planning and Permitting ("DPP") to process an amendment to the Land Use Ordinance ("LUO"), Chapter 21 of the Revised Ordinances of Honolulu 1990 ("ROH"), relating to the Chinatown Special District, in the same manner as if that amendment had been proposed by the Director.

The proposed LUO amendment, attached as Exhibit A to the Resolution, would address public health, safety, and welfare in the Chinatown Special District by requiring a minor special district permit for the distribution of food on the public sidewalk within the Historic Core Precinct of the Chinatown Special District.

At your Committee's meeting on March 23, 2022, the DPP Second Deputy Director testified that the DPP had no objections to the Resolution and stood by its testimony submitted in Departmental Communication 230 (2022).

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. **77**

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The DPP Chief Planner testified that the DPP will work with the Councilmember who introduced the measure to address the Councilmember's concerns, as well as look into possible impacts on outdoor dining, and consider whether a similar LUO amendment may be applied island-wide.

At your Committee's meeting on March 23, 2022, the Downtown Chinatown Neighborhood Board #13 offered comments on the Resolution.

Your Committee received written testimony in support of the Resolution from the Fort Street Mall Business Improvement District Association, the Chinatown Business and Community Association, the Chinatown Improvement District, and two individuals.

Your Committee has prepared a CD1 version of the Resolution that makes the following amendments to the Exhibit A Bill:

- A. In SECTION 2 of the Bill:
 - 1. Corrects the amendatory language refer to ROH Section 21-9.60-8 (instead of ROH 21-9.60-1); and
 - 2. Deletes the amendments to Section 21-9.60-8(d).
- B. In SECTION 3 of the Bill, deletes all of the amendments to Section 21-9.60-9 except the amendments to subsection (d) adding subdivision numbering and new subdivision (2).
- C. Makes miscellaneous technical and nonsubstantive amendments.

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HONOLULU, HAWAII

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Your Committee finds that the LUO amendment proposed in this Resolution, as amended herein, appears to be consistent with the General Plan and Development Plans of the City and it appears that, if enacted, it would be in the best interests of the people of the City and County of Honolulu.

Your Committee on Zoning and Planning is in accord with the intent and purpose of Resolution 22-32, as amended herein, and recommends its adoption in the form attached hereto as Resolution 22-32, CD1. (Ayes: Cordero, Elefante, Kia'āina, Say – 4; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 77



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO THE CHINATOWN SPECIAL DISTRICT.

WHEREAS, the zoning maps and the Land Use Ordinance ("LUO") of the City and County of Honolulu ("City") establish zoning districts and zoning district regulations for the utilization of land in the City pursuant to Section 6-1514, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"); and

WHEREAS, each zoning district is designated for certain uses and restricted for other uses in order to encourage orderly development in accordance with adopted land use policies, including the Oahu general plan, and the applicable development plans or sustainable community plans, and to promote and protect the public health, safety, and welfare; and

WHEREAS, the LUO special design districts provide a means by which certain areas in the community in need of restoration, preservation, redevelopment, or rejuvenation may be designated as a special district to guide development for purposes of protecting and enhancing the physical and visual aspects of the area for the benefit of the community as a whole; and

WHEREAS, the Chinatown Special District, which is the oldest section of downtown Honolulu and is listed on the National Register of Historic Places, reflects the architectural character dominant during the 1880s to the 1940s, is located adjacent to the City's central business district, and represents a dynamic ethnic population and business community; and

WHEREAS, one of the overall objectives for the Chinatown Special District is to promote the long-term economic viability of the Chinatown area as a unique community of retail, office, and residential uses; and

WHEREAS, there are three precincts within the Chinatown Special District: the Mauka Precinct, the Makai Precinct, and the Historic Core Precinct; and

WHEREAS, one of the overall objectives for the Historic Core Precinct of the Chinatown Special District is to encourage the continuation and concentration of long-established ethnic retail and light manufacturing activities by providing space for these uses, particularly on the ground level; and



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HONOLULU, HAWAII

No. 22-32, CD1

RESOLUTION

WHEREAS, within the Historic Core Precinct, permitted uses include ground floor spaces intended to be used exclusively for retail commercial uses, or light food manufacturing of an ethnic nature, such as noodle making; and

WHEREAS, to revitalize and invigorate the Chinatown area, and promote a safe, clean, and secure Chinatown community for residents, businesses, and visitors, requiring a minor special district permit for the distribution of food on the public sidewalk would address health and safety concerns associated with the food distribution; and

WHEREAS, the Council therefore desires to amend the Chinatown Special District ordinance to address food distribution on the public sidewalk; and

WHEREAS, Charter Section 6-1513 provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter Section 6-1513, includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, ROH Chapter 2, Article 24, Part A, establishes procedures and deadlines for the processing of City Council ("Council") proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Charter Section 6-1513 and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and



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CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 22-32, CD1

RESOLUTION

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the Clerk shall transmit copies of this resolution and the exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

February 17, 2022
Honolulu, Hawai'i

Councilmembers

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO THE CHINATOWN SPECIAL DISTRICT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address public health, safety, and welfare in the Chinatown Special District.

SECTION 2. Section 21-9.60-8, Revised Ordinances of Honolulu 1990 ("Historic core precinct objectives"), is amended by adding a new subsection (e) to read as follows:

"(e) Promote a safe, clean, and secure community."

SECTION 3. Section 21-9.60-9, Revised Ordinances of Honolulu 1990 ("Historic core precinct development standards"), is amended by amending subsection (d) to read as follows:

"(d) Permitted Uses.

- (1) Ground floor spaces should be used exclusively for retail commercial uses, or light food manufacturing of an ethnic nature such as noodle-making, compatible with the objectives for Chinatown.
- (2) A minor special district permit is required for the distribution of food on the public sidewalk.
- (3) Notwithstanding the underlying zoning, one- and two-family dwellings are permitted, if located above the ground floor."

SECTION 4. Table 21-9.4, Revised Ordinances of Honolulu 1990 ("Chinatown Special District Project Classification"), is amended by adding a new entry to read as follows:

"Table 21-9.4 Chinatown Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
<u>Distribution of food on the public sidewalk.</u>	<u>m</u>	



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

RICK BLANGIARDI, Mayor
City and County of Honolulu